IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1059 OF 2005

A.J.S.Fernandes & anr. ..Petitioner.

Vs.

Dr.Ashwin Pravin Parikh & anr. ..Respondents.

....

Mr.V.J.Munumdar for the Petitioner.

CORAM : DR.D.Y.CHANDRACHUD, J.

29th August, 2005.

P.C. :

The Learned Trial Judge has declined to reject the Plaint under Order 7 Rule 11. Having perused the plaint, no case for interference under Article 227 is made out. The suit is for removal of encroachment. The Learned Trial Judge has held that at this stage there were sufficient pleadings in support of the cause of action. However, while dismissing the Petition it is clarified that all the rights and contentions of the parties on merits are kept open to be urged at the trial.